



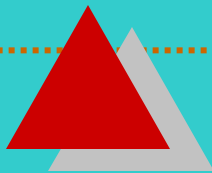
TRANS 233

Wisconsin Administrative Code
regarding the division of land
abutting a state trunk highway or
connecting highway

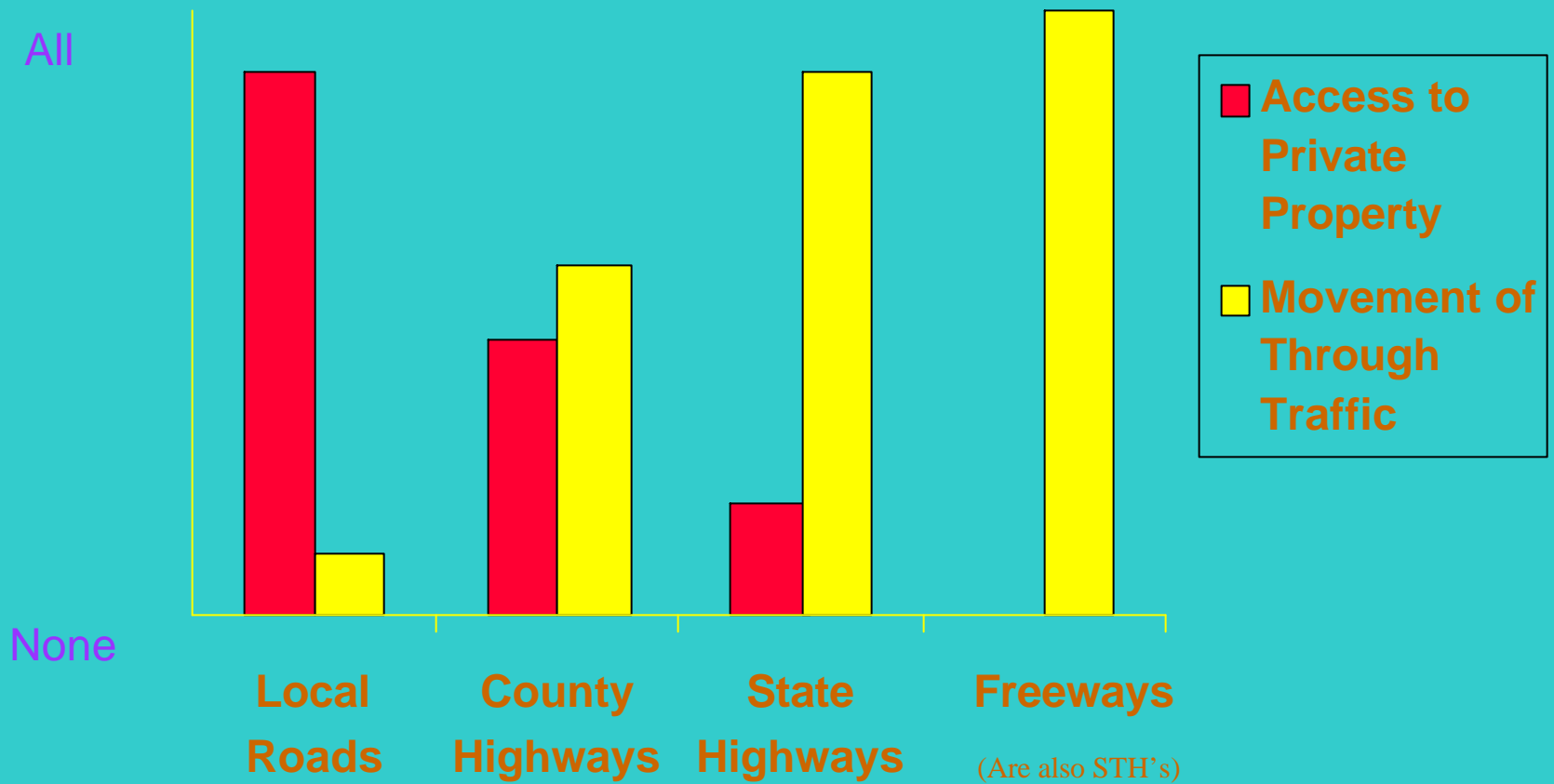


What is the Purpose of Trans 233?

- ◆ Interprets Chapter 236 of the Statutes
- ◆ Address the department's minimum standards for the division of lands
- ◆ Provide for the safety of entrance upon and departure from those highways
- ◆ Provide for the preservation of public interest and investment in those highways



USE OF HIGHWAYS FOR ACCESS VS. MOVEMENT OF THROUGH TRAFFIC

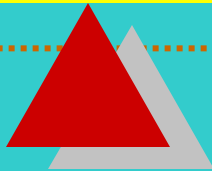




Access

- ◆ Spacing - Increase in access points leads to increased number of accidents

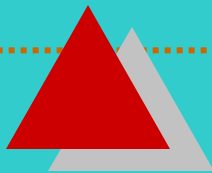
Access Points Per Mile	Accident Rate (Per Million VM)
0.2	1.3
2.0	2.7
20.0	17.2





The History of Trans 233

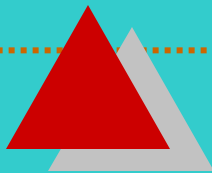
- ◆ Trans 233 has been in effect since 1956
- ◆ It was renumbered in 1996 from Hy 33 to Trans 233
- ◆ It was originally created to regulate Subdivisions only
- ◆ Connecting highways were always included





When Does Trans 233 Apply?

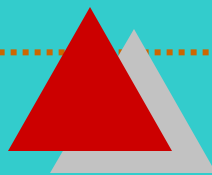
- ◆ Anytime a property abutting a state trunk highway undergoes a change to its boundary
 - * This means that an existing parcel whose owner wants to split into more parcels or add to another parcel falls under the Rule





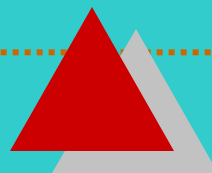
Why was Trans 233 revised?

- ◆ It contained outdated language
- ◆ There were also many areas that were unclear, misunderstood or being ignored
- ◆ Many other methods of dividing land were being used
- ◆ Changes were needed





Major Rule Changes – 1999

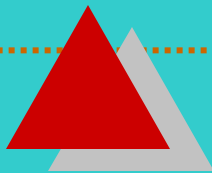
- ◆ It applied to **ALL** land divisions. Including, besides subdivisions:
 - * County Plats
 - * Certified Survey Maps (CSM's)
 - * Condo Plats
 - * Any other form of land division, such as deeds
 - ◆ Improvements were defined and some were not allowed in the setback
 - ◆ A fee was charged for review
- 



Rule Clarifications – 1999

(Part 1)

- ◆ More definitions were added to clarify many aspects of the rule
- ◆ Developers were encouraged to approach the DOT early through a conceptual review process
- ◆ Setbacks
- ◆ Noise, vision corners and drainage
- ◆ Variances

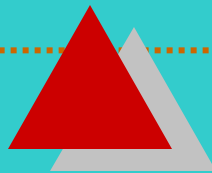




Rule Clarifications – 1999

(Part 2)

- ◆ Local traffic from a land division be served by an internal highway system
- ◆ The number of points intersecting with the STH be minimized
- ◆ No direct access from individual lots to STH or CH
- ◆ Consider local land use plans

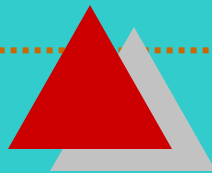




Rule Clarifications – 1999

(Part 3)

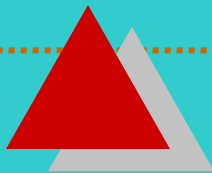
- ◆ Consider the property's relationship to adjacent lands
- ◆ All lands owned by the land divider that are adjacent and contiguous are reviewed
- ◆ Apply setbacks
- ◆ Apply drainage requirements
- ◆ Apply vision corner requirements





Setbacks

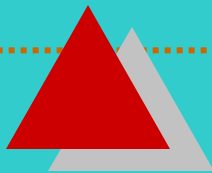
- ◆ No Structures or Improvements allowed in the setback.
- ◆ Highways are designed to provide for existing and projected future needs.
- ◆ The department cannot foresee all future development.





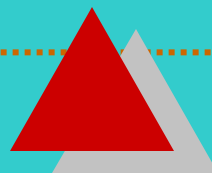
Setbacks (cont'd.)

- ◆ Setbacks are necessary to provide the department with the ability to improve the highway system in its current corridor in the future due to impacts from general development of an area.
- ◆ Seeks to avoid bypasses and their large impact on a community.
- ◆ Bypasses are not always an option due to widespread development or physical features of an area.





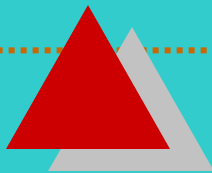
Major Rule Changes – 2001

- ◆ Setback reduced for some STH's
 - ◆ Specific Analysis added for reviewing setback changes
 - ◆ Variance process changed to Special Exception
 - ◆ District Offices responsible for T233 reviews
- 



Rule Clarifications – 2001

- ◆ Specific language added about “grandfathering”
- ◆ Condominium plats on developments 5 years or older are exempt
- ◆ Permanent easements allowed for vision corner dedication
- ◆ 5 days to review submittals for completeness
- ◆ 60 days allowed if a special exception is requested

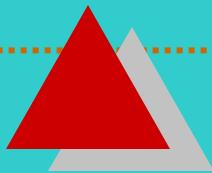




Recent Rule Discussions – 2003

◆ Legal aspects

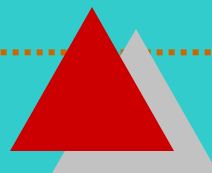
- Did WisDOT exceed statutory authority in 1999?
- Are setbacks the “taking” of a property right?





Recent Rule Discussions – 2003

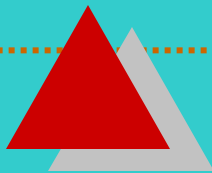
◆ Administrative aspects

- T233 reviews take too long
 - Expand type of improvements allowed in setback
 - Checklist of required information
 - Change to limit when TIA is required
 - D-2 developer meetings
- 



Where are we going from here?

- ◆ JCRAR Hearing 10/29/03
- ◆ Scope statement issued for Rule revision
 - Change date for new guidelines in FDM
 - Clarify language to mention TIA's
 - Clarify language on conceptual reviews
- ◆ More informational meetings will be scheduled



Questions???

